

CFR

JS 44 (Rev 06/17)

## CIVIL COVER SHEET

19-2221

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Steffany Purvis

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Law Offices of Sommer Muller  
2 Bala Plaza Ste 300 Bala Cynwyd, PA 19004

## DEFENDANTS

Progressive Insurance

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for Nature of Suit Code Descriptions

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer w/Disabilities - Employment <input type="checkbox"/> 446 Amer w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Code Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)

Brief description of cause

Title VII Employment Discrimination

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND:

☐ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

MAY 22 2019

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG JUDGE

CFK

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

19

2221

## DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 1612 Whitepain Hills Blue Bell Pennsylvania 19422

Address of Defendant: 5165 Campus Drive Suite 100 Plymouth Meeting PA 19462

Place of Accident, Incident or Transaction:

## RELATED CASE, IF ANY:

Case Number: Judge: Date Terminated:

Civil cases are deemed related when Yes is answered to any of the following questions

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes ☐ No ☒

I certify that, to my knowledge, the within case ☐ is ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above

DATE 5/22/19 Attorney-at-Law / Pro Se Plaintiff Attorney ID # (if applicable) 315971

## CIVIL: (Place a v in one category only)

## A. Federal Question Cases:

- ☐ 1 Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2 FEI A
- ☐ 3 Jones Act-Personal Injury
- ☐ 4 Antitrust
- ☐ 5 Patent
- ☐ 6 Labor-Management Relations
- ☒ 7 Civil Rights
- ☐ 8 Habeas Corpus
- ☐ 9 Securities Act(s) Cases
- ☐ 10 Social Security Review Cases
- ☐ 11 All other Federal Question Cases

(Please specify)

## B. Diversity Jurisdiction Cases:

- ☐ 1 Insurance Contract and Other Contracts
- ☐ 2 Airplane Personal Injury
- ☐ 3 Assault, Defamation
- ☐ 4 Marine Personal Injury
- ☐ 5 Motor Vehicle Personal Injury
- ☐ 6 Other Personal Injury (Please specify)
- ☐ 7 Products Liability
- ☐ 8 Products Liability - Asbestos
- ☐ 9 All other Diversity Cases

(Please specify)

## ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration)

I, Sommer Miller, counsel of record or pro se plaintiff, do hereby certify



Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs



Relief other than monetary damages is sought

DATE 05/22/2019

Attorney-at-Law / Pro Se Plaintiff

MAY 22 2019

315971

Attorney ID # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38

CFK

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

v.

:
  
:
  
:
  
:
  
:

CIVIL ACTION

NO. **19 2221**

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

5/22/19  
Date

Summer Miller  
Attorney-at-law

Steffany Parvis  
Attorney for

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MAY 22 2019

*4/400*  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
CIVIL DIVISION

**FILED**  
MAY 22 2019  
KATE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk

**Steffany Purvis**  
**Plaintiff,**

**V.**

**Progressive Insurance Limited.**  
**Defendant.**

)  
) Case No. **19 2221**  
)  
) Jury Trail Demanded  
)  
)

**Complaint and Jury Demand**

Now comes Plaintiff, by and through his Counsel, and for Complaint against the Defendant, states as follows:

**I. PARTIES AND JURISDICTION**

1. At all times relevant hereto, the Plaintiff **STEPHANY PURVIS** has resided in Whitepain Hills, Blue Bell and is a citizen of Pennsylvania.
2. At all material times relevant hereto the Defendant **PROGRESSIVE INSURANCE COMPANY** a corporation licensed and doing business in Pennsylvania, is and at all material times mentioned herein was an employer within the meaning of Title VII of the Civil Rights Act.
3. This Court has jurisdiction over this matter as this matter involves a Federal Question under Title VII of the Civil Rights Act. The Court also has supplemental jurisdiction over the State and City Causes of Action.
4. The Venue is the proper venue for this action pursuant to 28 U.S.C. §1391 (b)(1) and (b) (2) because this is the Division in which the Plaintiff resides and in which a substantial part of the events or omissions giving rise to the claims occurred.

**II. STATEMENT OF FACTS RELEVANT TO ALL CLAIMS**

5. In or about April 4 2014 the Defendants hired the Plaintiff an African American female, as a Claims Adjuster for their Plymouth Meeting office, such position and its working environment gradually became suffocating, hostile, racist, discriminatory, retaliatorily which was compounded with blatant managerial and supervisory bullying and intimidation towards the Plaintiff until March 2019.
6. The working environment presented to the Plaintiff had an ongoing cultural of racist and discriminatory practices within the workplace which were regularly encourages by management. Employees often openly engaged in harassing, insulting and defamatory statements about minorities and women in open areas and were not corrected by management to the contrary management often engaged in the offensive conduct. Some examples of such behavior are as follows:
  - I. A white female employee announced to the call center, her coworkers and supervisors, she would not to speak to any Puerto Rican or Spanish speaking callers for the day.
  - II. White employees gathering around an employee's desk to watch a video on loop of an African American teenager being struck by a car. The video was met with laughter and giggles to his injuries; sarcastic statements were made of the black boy's resilience, how quickly the black boy got back to his feet after being struck. Then the video would be replayed multiple times so the employees could count how many teeth were knocked out and laugh loudly. This was a private video that accompanied an insurance claim and was supposed to be viewed for claims purposes only. Both claims personal and supervisors watched and mocked the video.
  - III. A murder of a young African American female was met also with laughter and sneers; white employees gathered around with their insensitive racist remarks, they quickly labeled the deceased "Keisha", they wondered sarcastically what "Keisha" could have done to deserve this. The young murder victim was stabbed several times and ran over by a car by an estranged lover. The staff, having labeled the victim, whose name was Angela as "Keisha" laughed and sneered regarding the young ladies fate. One employee was tasked at updating the staff of the news reels and when new information was released many employees huddled around her desk to laugh and sneer at the breaking news up until and including the time when the victim was finally reported as deceased by the news media. Both claims personal and supervisors watched and mocked the video. The Plaintiff was so upset by the display she left work early for the day.
  - IV. The Plaintiff was informed by a manager "much isn't to be expected from the front desk staff they only get basic task as they

have little to no education, black women are stupid. The front desk staff consisted entirely of African American women.

7. The Plaintiff was never given any corrective action or otherwise "written up" during her 5 years of employment with the Defendant until she made several complaints to the relevant authorities at the Defendant's company and the Equal Employment Opportunity Commission "EEOC".
8. Despite having strong performance based on the analytical measures the Company used to judge work performance in 2015 the Plaintiff's first review she was told by her White manager that her work was subpar and she was not going to be promoted. The Plaintiff took the initiative to meet with the manager every 60 days for meetings seeking direct feedback expecting her work would improve to this manager's liking.
9. Meetings with the manager immediately became abrasive, abusive, condescending, discriminatory and intimidatory towards the Plaintiff. Over the course of a year the manager provided no written or verbal discipline, nor any corrective action toward the plaintiff's work product and acknowledged her work was being completed. However, he stated that "she would never be intelligent enough to be promoted under him" that she might as well resign or she could "keep banging her head against the wall in her current position."
10. When the plaintiff advised the supervisor that she had completed all the work that had been assigned and had strong reviews from employees and customers the Manager retorted "yes, you look good on paper but not everybody likes you."
11. The Plaintiff continued her work in her current position being denied an opportunity to seek employment in another department. Over the course of the next year Plaintiff received no written discipline, verbal discipline, nor negative feedback about her work product. The plaintiff continued to meet numerical production goals set by the employer.
12. Despite positive work performance in September of 2016 the Plaintiff met with the manager was told she "was not intelligent enough to remain in her current position and needed to be with other simple-minded people like herself".
13. The manager then demoted the Plaintiff to a department he claimed "had the level of work that was more on the Plaintiff's comprehension level". Stating that "she [plaintiff] had a simple train of thought and needed to be with others who had the same simple thought pattern and comprehension levels".
- 14 The plaintiff was demoted and sent to her new department and was not trained or given instructions for her new position. The Plaintiff was also required to continue the

workload from her former position. It appeared that this approach was intentional, hostile to make the Plaintiff fall behind in her work.

15. With assignments from both jobs, the Plaintiff was overloaded with working tasks that required coming in extra days to get the job done. The Plaintiff was not compensated for the additional time worked. Including Saturdays worked, scheduled by the supervisor, where other employees were given "Saturday pay".
16. When the Plaintiff complained that she was not paid her full compensation she was informed she was not entitled to additional pay. The Supervisor reasoned that additional payment including Saturday pay was a "pay practice not a pay policy" by the company. Indicating that only certain employees received payment for additional time worked.
17. In September of 2016 the Plaintiff reached out to the Defendants local Human Resources Representative, to make the necessary complaints about her hostile and discriminatory working environment and intimidation by her direct manager and supervisors. The HR representative discussed the private complaints the Plaintiff made with her husband and niece who worked in other departments and were not the subject of the complaint and other employees in the Plaintiff's department whom were not party to the complaints. Claiming these complaints were not confidential.
18. Immediately after lodging a complaint to HR the Plaintiff was informed Plaintiff she could not speak to another African American employee on the floor because she too had made a complaint of discrimination to HR before being transferred to that department. There were no restrictions in talking to any other employee.
19. In the Summer of 2017 due to the overbearing hostility, isolation and discriminatory environment at the Defendant's company the Plaintiff reached out the Defendant's company Ethic's officer to make her complaints known.
20. The Plaintiff was assigned to a new team pending the investigation whom would be supervising her remotely. The Plaintiff subsequently worked under a new manager and supervisor and had no negative performance reviews or complaints about her work. The new team worked from the Malvern office.
21. Immediately, after speaking to the Ethic's Officer, the Plaintiff was placed on a Performance Action Plan by the team in her current office. The plan stated that the Plaintiff's work needed to improve in 30 days or she would otherwise be terminated. The reasoning given for the plan was that the Plaintiff had not checked all voicemails and

returned calls by 4 o'clock every day. When confronted with the computer reports showing all voicemails had indeed been checked the progressive supervisors admitted their data regarding voicemails was incorrect due to a glitch in the system but the Plaintiff was still being held accountable for not checking voicemails that the computer indicated had been checked. The Plaintiff's Malvern Team had no such requests or complaints.

22. Despite working a 7 am to 4 pm schedule for over four years the Plaintiff was informed that her schedule must change so that she now needed to work until 4:30. The plaintiff informed the Defendant she could not accommodate her childcare to meet that time as she is a single mother. The Plaintiff was told her hours were going to be changed soon despite her familial limitations. No other employees' schedules were changed, there were other scheduling changes made to the department or other reasons the plaintiff needed to work a different shift. The plaintiff was now reporting directly to the Malvern Team. The Malvern team had no requests that her schedule be changed.
23. The Plaintiff complained to HR in May 2018 and again in June of 2018 regarding the hostile treatment. The human Relations department failed to act.
24. In September 2018 the Plaintiff contacted the EEOC and met with them shortly thereafter. This meeting with the EEOC created a domino effect of further hostility and retaliation towards the Plaintiff by managerial, supervisory staff and other employees.
25. Immediately after filing the complaint the plaintiff was informed, she would be reporting to her original supervisor whom had called her stupid and whom she originally lodged the complaints against. The plaintiff expressed concern about reporting to a manager whom she had just made complaints about even though her new management team had no complaints about her work.
26. In December 5 2018, the Plaintiff wrote to corporate Human Resources about the constant intimidation and bullying tactics of her immediate Supervisor, whom was mentioned several times in the Plaintiff's EEOC complaint and was the subject of several complaints to HR. The Supervisor had become the consummate stalker. Every day he walked pass the Plaintiff in an intimidating manner giving her long furtive stares and hostile looks. The Plaintiff indicated she simply has had enough and isolated herself.
27. The situation at the Defendant's office quickly spiraled out of control. On December 6 2018, the Plaintiff indicated to corporate human resources that a white male whom she had never seen before, Mr Webb, was in the break room and Webb pulled out a drawer and hitting the Plaintiff in the upper part of her leg.

28. Shortly after in the same break room another employee, approached the Plaintiff yelling and coming toward her stating "Why are you mad at everybody. Are you mad at me?" Again, approaching the Plaintiff aggressively and stopping merely inches from her nose shouting, "What did I do to you? Why are you mad at me?"
29. The plaintiff later learned from another counterpart on her floor that again human resources had discussed the EEOC complaint with several employees who were not subject to the complaint. The Plaintiff was further informed that "everybody was mad at her for making complaints".
30. The hostility and intimidation towards the Plaintiff continued. Webb has walked by the desk of the Plaintiff staring her down about 10 times day. Webb had no work assignments in that area and there was no reason for Mr. Webb to be near the Plaintiff. The Plaintiff indicated how anxious and nervous she felt. How mentally draining she felt at the office and was not prepared for another attack by a white employee where she always had to defend herself. More so she felt she wasn't being taken seriously.
31. The Plaintiff emailed human resources several times between November and February complaining of the stalking, bullying and physical intimidation. Her complaints were ignored and employees were allowed to continue stalking and berating her.
32. In an effort to protect herself and as proof of evidence, the Plaintiff started taking pictures each time Webb passed her desk to stared her down.
33. Finally, after months of complaints and an email by the Plaintiff informing Human Resources, she had video and pictures of the incidents on 7 February 2019 human resources stated they would investigate this matter with Webb.
34. On February 19, 2019 human resources concluded her investigations with respect to Webb. Webb was no longer allowed to come back to the Plaintiff's side of the office and was told to use the breakroom on his side of the office. However, the plaintiff was given a verbal warning that if she recorded anyone else in the office she would be terminated. It was not expressed that Webb or the supervisor whom approached her in the breakroom received any such discipline for their actions.
35. In retaliation, of the Plaintiff's complaints, she was given
  - I. workplace policies not to record other employees without their consent, as it violates policy.
  - II an "action plan" for her allegedly poor performance at Defendant's place of business.
  - III. Schedule changes for her times of work which she had worked for 5 years.
  - IV. Refusal to work remotely from home.

V. Instructions to improve her performance. (it is noted, the Plaintiff had instances she could work remotely before her complaints.)

36. In an effort to relieve herself of this hostile environment the Plaintiff applied for 33 jobs and inquired about job promotions away from her intimidators to which she was told such jobs are no longer available and or her Manager gave her a bad review so she could not transfer.
37. Progressive policy is such that your immediate manager must give you permission to apply for jobs within the company and leave your current position The plaintiff was denied an opportunity to be promoted or transferred over 33 times.
38. On September 20 2018 the Equal Opportunity Employment Commission issued a letter to sue.
39. Given the constant discrimination, hostility, demotion and retaliatory oppression by the Defendant, the Plaintiff's last day of work was March 20 2019.

### **COUNT I**

#### **RACE DISCRIMINATION UNDER TITLE VII**

40. The allegations contained in paragraphs 1 through 39 inclusive are hereby incorporated by reference.
41. The Plaintiff an African American female is educated and intellectually qualified to work for and apply for applicable posts at the Defendant's company. Also given her work reviews she was a good candidate for a promotion and or raise.
42. The Defendants created an environment where they were in breach of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2
43. The Defendants created an environment where the Plaintiff was constantly berated, called an idiot, seen as a group of persons that were illiterate and uneducated and can only handle simple task or as Donohue called it red car blue car claims. The Plaintiff was told even though she had good numbers however she was not liked.
44. The Plaintiff was told that she would never be promoted or receive a raise under the watch of her direct manager Donohue and as such she was demoted.
45. During the time of the Plaintiff's employment the Defendant continually and intentionally and in a discriminatory manner refused to give the Plaintiff a promotion, raise and or transfer to another location.

46. This discrimination the Plaintiff felt left her isolated. The plaintiff constantly felt nervous and anxious due to the discriminatory atmosphere at the Defendant's company.

## **COUNT II**

### **HOSTILE WORK ENVIRONMENT BASED ON RACE UNDER TITLE VII**

47. The allegations contained in paragraphs 1 through 46 inclusive are hereby incorporated by reference.
48. During the Plaintiff's employment she endured a constant hostile working environment. The hostility was as a result of her race as it towards her and it formed part of the environment as it was directed towards other African American workers and clients.
49. The Plaintiff endured racial slurs, jokes and references and offensive and derogatory comments by her white superiors and other employees. Also unwarranted discipline, a demotion, and threat of termination. Such conduct was so pervasive and severe creating a hostile environment.
50. This hostility lasted approximately 4 years.
51. The Defendants continued to breach Title VII of the Civil rights Act of 1964, 42 U.S.C § 2000(e)

## **COUNT III**

### **RETALIATION UNDER TITLE VII**

52. The allegations contained in paragraphs 1 through 51 inclusive are hereby incorporated by reference
53. This hostility detrimentally affected the Plaintiff during her employment as it would have negatively impacted the average reasonable person.
54. Due to the Plaintiff's complaints of discrimination Donohue was constantly hostile, verbally abusive, condescending, and berated the Plaintiff as it related to her education and intelligence. This all resulted in the Plaintiff being demoted to another department.
55. The Plaintiff was demoted to this new department and was not given or afforded the necessary tools and or training to do the work.
56. The Plaintiff complaints to the EEOC, was met with severe verbal and physical abuse, intimidation and bullying by other white employees, managers and supervisors.

- 57. The Plaintiff felt isolated, uncomfortable, anxious and fearful in her working environment as she constantly wondered who would be next to confront her.
- 58. The Plaintiff believes that but for her complaints to the relevant authorities about the discrimination and hostility in the workplace she would have been promoted, given a raise and be able to continue to work remotely escaping discipline and demotion.
- 59. THE Defendants engaged in unlawful practices prohibited by Title VII of the Civil Rights Act of 1964 as amended 42 U.S.C §e.

#### **COUNT IV**

##### **SEX DISCRIMINATION UNDER TITLE VII**

- 60. The allegations contained in paragraphs 1 through 59 inclusive are hereby incorporated by reference.
- 61. The Plaintiff was hired as a female Claims Adjuster approximately a year later she was demoted to another section as it was alleged, she was not qualified to do the job.
- 62. By subjecting plaintiff to a sexually hostile work environment on the basis of her gender, defendants violated the Fourteenth Amendment to the United States Constitution as made actionable pursuant to 42 U.S.C. §1983.
- 63. By subjecting plaintiff to a hostile work environment, quid pro quo harassment and discrimination, all on the basis of her gender, defendants violated the Pennsylvania Human Relations Act, as codified, 43 Pa. Cons. Stat. §§951-963

#### **COUNT V**

##### **PROTECTED ACTIVITY UNDER TITLE VII AND FLSA**

- 64. The allegations contained in paragraphs 1 through 63 inclusive are hereby incorporated by reference.
- 65. The Plaintiff made several verbal and written complaints to the Defendant's Company about the discrimination and hostility in the workplace. However, these private and confidential complaints verbal and written, formal and informal made by the Plaintiff were readily shared and discussed throughout the office by managers, supervisors and other employees.

#### **COUNT VI**

**DISCRIMINATION- PENNSYLVANIA HUMAN RELATIONS ACT (PHRA)**

66. The allegations contained in paragraphs 1 through 65 inclusive are hereby incorporated by reference.
67. As an African American female working at the Defendant's office the Plaintiff was discriminated against by way of her race. The Plaintiff has claims by way of PHRA 43 P.S §§ 955.
68. The Plaintiff was denied the opportunity to apply for a raise and or promotion.
69. The Defendant barred the Plaintiff from work opportunities, demoted, discriminated against the Plaintiff with respect to compensation, terms and conditions and privileges of employment.

**COUNT VII**

**RETALIATION UNDER PHRA**

70. The allegations contained in paragraphs 1 through 69 inclusive are hereby incorporated by reference.
71. Following the plaintiff's complaints to the Defendant's company and EEOC, the Plaintiff was then subjected to various adverse employment actions. These actions included hostility, physical and verbal abuse by workers, demotion, adverse write up, work force policies about video recording workers. The Plaintiff was also denied promotions and refusal to work remotely from office.
72. Most significantly the Plaintiff was continually subjected to work supervised by Donohue her intimidator.
73. The Plaintiff makes her claim under PHRA §955

**COUNT VIII**

**RETALIATION UNDER FAIR LABOR STANDARDS ACT**

74. The allegations contained in paragraphs 1 through 73 inclusive are hereby incorporated by reference.
75. The Plaintiff was discriminated against because she filed a complaint with the EEOC in respect of her hostile working conditions at the Defendant's company. Such is in breach of the Fair Labor Standards Act 29 U.S.C. § 209 S
76. The Plaintiff being employed for the past 5 years with the defendant company complained with respect to her hostile and discriminatory working environment with the

Defendant. The Plaintiff was later demoted and subjected to hostility and verbal and physical abuse by workers. She was also denied promotions and refusal to work remotely from home.

77. This hostility also resulted in failure give raise or promote resulting in economic injury to the Plaintiff due to the demotion.

#### **COUNT IX**

##### **MENTAL AND EMOTIONAL DISTRESS**

78. The allegations contained in paragraphs 1 through 77 inclusive are hereby incorporated by reference.
79. The Defendant's action describe herein were intentional and inflicted upon the Plaintiff severe mental and emotional distress.
80. The Plaintiff has suffered irreparable injuries including but not limited to loss of pay, emotional pain and suffering, mental anguish, humiliation, embarrassment, personal indignity and other intangible injuries for all of which she should be compensated.

#### **COUNT X**

##### **WAGE AND HOURLY PAY VIOLATIONS**

81. The allegations contained in paragraphs 1 through 80 are hereby incorporated by reference.
82. The Plaintiff was required to work several hours in addition to her 40 hour work week. Including coming into the office as early as 6 am several mornings and also working several assigned Saturdays.
83. The Defendant refused to pay the employee for these additional hours worked.
84. The Defendant compensated an entire department by awarding backpay for employees who worked those same hours, however refused to pay the defendant because she had been transferred at the time of the award. The employee worked those hours in that department at the time the pay was earned.
85. The Defendant has violated §7(e) of the Fair Labor Standards Act and is entitled to back pay plus 50% of said pay immediately.

#### **COUNT XI**

##### **DEFAMATION**

86. The allegations contained in paragraphs 1 through 85 are hereby incorporated by reference.
87. The Defendant engaged in a protected activity by reporting her ongoing harassment to the employer's Human Relations Department.
88. The human relations director shared the confidential information in the complaint with several parties whom should not have been party to the investigations. These parties included but were not limited to: other coworkers who were not managers, supervisors, or subject to any claims alleged, her family members some who worked for the Defendant in other departments unrelated to the complaint, several managers whom were considering the Plaintiff for job promotions but were not party to the complaints.
89. When confronted, the HR employee stated the complaints were not private and she could discuss them if she chooses.
90. This activity is defamation under 42 Ps. C.S. §§8341-8345.

**WHEREFORE**, the Plaintiff respectfully prays to this Court as follows:

- A. accept jurisdiction over this matter, including the pendent claim;
- B. empanel a jury to hear and decide all questions of fact;
- C. award Judgement against the Defendant.
- D. award to plaintiff compensatory damages of \$2,500,000 against the defendant.
- E. award to plaintiff punitive damages of \$500,000 against defendant Defendant for his malicious and spiteful pattern of sexual harassment;
- F. award the plaintiff Back pay, front pay and an additional 50% of the unpaid overtime
- G. Liquidated damages pursuant to 29 U.S.C. §626(b);
- H. Liquidated Damages pursuant to 43 Pa. Cons. Stat. §§ 951-963
- I. For all compensatory and punitive damages with respect to the statutory claims in an amount being just.
- J. For reasonable costs, including attorney's fees
- K. For all other equitable and legal relief to which the Plaintiff appears entitled.

**DEMAND FOR JURY TRIAL**

91. Plaintiff hereby requests a jury trial on all issues raised in the complaint.

Dated: May 22, 2019

Respectfully submitted By:

  
The Law Offices of Sommer Miller, LLC

Sommer Miller, Esq.

Attorney ID 315971

2 Bala Plaza, Suite 300

Bala Cynwyd, PA 19004

EEOC Form 161-B (11/16)

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)**

To:

From:

Steffany P. Purvis  
 1612 Whitpain Hills  
 Blue Bell, PA 19422

Philadelphia District Office  
 801 Market Street  
 Suite 1300  
 Philadelphia, PA 19107



On behalf of person(s) aggrieved whose identity is  
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

530-2018-04994

Legal Unit,  
 Legal Technician

(215) 440-2828

(See also the additional information enclosed with this form.)

**NOTICE TO THE PERSON AGGRIEVED:**

**Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA):** This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**, or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

**Age Discrimination in Employment Act (ADEA):** You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**



The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.

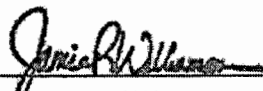


The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

**Equal Pay Act (EPA):** You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

  
 Jamie R. Williamson,  
 District Director

February 21, 2019

(Date Mailed)

Enclosures(s)

cc:

Patricia F. Weisberg, Senior Counsel (for Respondent)